

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

9

## TITLE OF CASE

## ATTORNEYS

GEORGE P. SHULTZ, Secretary of Labor  
United States Department of Labor

vs

MORROW ENGINEERING COMPANY, a Corp.

For plaintiff:

James E. White  
L. H. Silberman, Solicitor of Labor  
M. J. Parmenter, Regional Solicitor  
Nathan Rachael, Trial Attorney  
U. S. Department of Labor  
Office of the Solicitor  
Room 316, 411 N. Akard Street  
Dallas, Texas 75201

For defendant: Kothe and Eagleton; and  
Glenn R. Beustring  
Suite 204, Philtower Bldg.  
Tulsa, Oklahoma 74103

## STATISTICAL RECORD

## COSTS

## DATE

NAME OR  
RECEIPT NO.

## REC.

## DISB.

J.S. 5 mailed 5-1

Clerk

1969

3-10-71 Morrow

5 00

3-11-71 C.D.No. 40

5 00

J.S. 6 mailed 3-1-71

Marshal

Basis of Action: Fair Labor Docket fee

Standards Act of 1938

Witness fees

Action arose at: Tulsa

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-31-69	Complaint filed and summons issued. ds	
8-5-69	Summons return, served Morrow Engineering Co. by serving Mr. Dick Morrow, Vice President, at his office 3249 North Peoria, Tulsa, Okla on Aug. 4, 1969 at 2:00 P.M.. filed. js (USM fee \$4.00)	
8-19-69	Deft's motion for more definite statement, with brief attached, filed. m	
9-5-69	Pltf's response to motion for more definite statement, filed. m	
9-5-69	Memorandum in support of plaintiff's response to motion for more definite statement, filed. m <i>filed</i>	
9-16-69	Order, filed, that defendant's motion for more definite statement is overruled and it will answer the complaint within 15 days from date. (Fred Daugherty - Judge) copies mailed. b	
10-1-69	Defendant's Answer, filed. ds	
10-16-69	Pltf's interrogatories to deft., filed. m	
10-24-69	Defendant's application for extension of time, filed. ds	
10-24-69	Order allowing extension of time to 11-7-69, filed. (MME-Cl) ds	
11-6-69	Defendant's answers to plaintiff's interrogatories, filed. b <i>mailed</i>	
11-6-69	Defendant's objections to plaintiff's interrogatories I, II and III, filed. b <i>mailed</i>	
11-7-69	Memorandum in support of deft's objections to pltf's interrogatories, filed. m <i>mailed</i>	
11-12-69	Plaintiff's response to objections to interrogatories, filed. m <i>mailed</i>	
11-14-69	Ordered by the Court that the plaintiff is requested, to provide the information desired by the defendant's objections to plaintiff's interrogatories, by the Court within 10 days from the date hereof. (Fred Daugherty - Judge) b	
12-5-69	Case set for pre-trial hearing on Tuesday 12-16-69 at 10:15 a.m. (FD-J)m	
12-16-69	Pre-trial hearing held. Parties to exchange information about work weeks concerned. Pltf. withdraws interrogatories and will submit new ones pertaining to only the 53 employees concerned. Pltf. to prepare pre-trial order. Deft. to submit list of 9 exempt employees by letter to pltf. within 10 days. Case to be set on non-jury docket. (FD-J)m	
4-10-70	Ordered by the Court that this case is set for non-jury trial on Tuesday, April 28, 1970 at 2:00 P. M. (Fred Daugherty - Judge) b	
4-17-70	Ordered by the Court that this case is stricken from the non-jury assignment at the request of the defendant. (Fred Daugherty- Judge) b	
9-14-70	Ordered by the court that this case is set for pre-trial hearing on Thursday, September 24, 1970 at 1:00 P. M. (Fred Daugherty-Judge) b	
9-24-70	Pre-trial hearing held, statements made, stipulation to be entered, plaintiff states that there are 22 employees now involved and parties agree to or settle on pre-trial order. (Fred Daugherty-Judge) b	
11-3-70	Pretrial Order, filed. (FD-J) ds <i>filed</i>	
11-6-70	Case set for Non-Jury Trial on Monday, Decmeber 14, 1970 at 10:00 A.M. (FD-J)v	
12-14-70	Returns on civil subpoena, filed. Served Paul Morton in Tulsa, Okla. on 12-9-70; served Morrow Engineering Co. by serving Dale Morrow, Officer, and Glen R. Burwell in Tulsa on 12-8-70; served David Stehm in Tulsa on 12-10-70; served Albert Kemp in Claremore, Okla. on 12-10-70; served Walter Glenn and Cecil Rupe in Tulsa on 12-11-70; served Richard Stewart in Sand Springs, Okla. on 12-11-70; unable to serve Jim Rupe - moved to Calif.; unable to serve Floyd Franklin - in U.S. Army; served Phillip B. Saraff in Tulsa on 12-12-70; unable to serve J. L. Jones - moved from Tulsa address & left no address; served Felix C. Watts in Tulsa on 12-13-70; unable to locate C. R. Bob Steele. (Fees: \$47.60)m	

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12-14-70	Case tried to the Court on December 14 and 15, 1970, case argued and the Court dictates his Findings of Fact and Conclusions of Law, finds that the defendant violated the FLSA, that injunction shall issue, plaintiff to prepare the judgment. (Fred Daugherty-Judge) (LC -CSR) b	
12-15-70	Exhibits in a box in the exhibit room. b	
12-16-70	Return on service of subpoena filed. Served Clarence Tandy, Jr. at Webb City Missouri on 12-10-70. h(USM \$22.08)h	
12-16-70	Return on service of subpoena filed. Served Bob Hamlin on 12-13-70 at Muskogee, Okla. h Talihina, Ok.,	
12-21-70	Subpoena, returned & filed: served Morrow Engineering Co. 12-11-70 (USM \$31.60)g	
2-10-71	Letter to parties in regard to judgment, by Judge Daugherty, filed. b	
2-10-71	Judgment filed and entered, defendant enjoined and restrained from violating provisions of Fair Labor Standards Act, \$5,598.42 to plaintiff and costs taxed to the defendant, defendant to keep necessary records. (Fred Daugherty - Judge) copies mailed. b	
2-10-71	Copy of letter of 1-11-71 from James E. White to John Eagleton, filed.	
2-10-71	Letter from E. John Eagleton of 1-30-71 to Mr. White, filed. b	
2-10-71	Letter of 2-5-71 to Judge Daugherty, filed. b	
2-16-71	Plaintiff's bill of costs, filed. ds (costs to be taxed February 26, 1971.	
2-26-71	Costs taxed against deft. in amt. of \$360.68. g	
3-10-71	Notice of appeal, filed. cpy to USCA and M.J. Parmenter. g	
3-10-71	Cost bond (\$250.00), filed. g	
3-10-71	Motion for supersedeas bond and to stay enforcement of judgment, filed. g	
3-12-71	Defendant's brief in support of Supersedeas Bond, filed. b <i>mailed</i>	
3-16-71	Certificate of mailing copies of Motion for Supersedeas Bond and brief, filed. b	
3-16-71	Order filed, Supersedeas bond fixed in the amount of \$10,000.00, to be approved by the Court, upon approval of said bond by the Court, Court will enter a stay of execution of the judgment. (Fred D-Judge) b	
3-23-71	Copies of the above order mailed to parties. b Ordered by the Court that the supersedeas bond, as fixed by order of 3-16-71, is reduced to \$6,600.00, said figure being acceptable to the plaintiff. Time for furnishing said bond is extended to 4-1-71. (FD-J)m (letter written parties)	
3-23-71	Letter dated 3-18-71, filed, from John Eagleton to Judge Daugherty, re reduction of supersedeas bond and extension of time to furnish said bond. m	
5-3-71	Stipulation for dismissal of appeal, with order of court dismissing appeal, filed. (FD-J)g cpies to USCA & counsel. g	
7-26-73	Order to refund Appeal Bond to Morrow Eng. Co., filed. (FD-J)r (Copies mailed)	

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